

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

JAMES WILLIAMS,)	
)	
Plaintiff,)	
)	Case No. 1:13-CV-285
v.)	
)	Judge Curtis L. Collier
BRYAN MARSHALL, d/b/a SELECT)	
PORTFOLIO SERVICING, INC.,)	
)	
Defendant.)	

JUDGMENT ORDER

On August 27, 2013, *pro se* Plaintiff James Williams (“Plaintiff”) filed a complaint (Court File No. 2) against Defendant Bryan Marshall (“Defendant”) as well as a motion to proceed *in forma pauperis* (“IFP”) (Court File No. 1). On September 10, 2013, Magistrate Judge Susan Lee filed a report and recommendation (“R&R”) concluding that Plaintiff fails to state a claim on which relief could be granted (Court File No. 5). In his initial complaint, Plaintiff asserted jurisdiction pursuant to 28 U.S.C. § 1337(a), which provides federal courts original jurisdiction over antitrust claims. The Magistrate Judge concludes the case is more akin to a breach of contract claim and the only basis for jurisdiction appears to be diversity of citizenship. However, the amount in controversy, \$55,366.51, falls short of the \$75,000 amount-in-controversy threshold for diversity jurisdiction. 28 U.S.C. § 1332. The Magistrate Judge recommends the Court dismiss Plaintiff’s case under 28 U.S.C. § 1915(e)(2).

Plaintiff filed a response to the R&R seeking to amend his complaint. The proposed amended complaint alleges jurisdiction under 28 U.S.C. § 1331, which provides the Court jurisdiction over civil actions arising under federal law. Plaintiff has not, however, identified a

federal issue in his complaint. Rather, he seeks compensation for a “bond” he claims was dishonored. The only basis for jurisdiction in federal court appears to be diversity of citizenship. The amount in controversy, however, still falls below the threshold for diversity jurisdiction. The Court has previously dismissed a similar complaint from Plaintiff for lack of jurisdiction. *Williams v. Marshall*, 1:13-cv-188.

The Court **ACCEPTS** and **ADOPTS** the Magistrate Judge’s report and recommendation (Court File No. 5) pursuant to 28 U.S.C. § 636(b)(1), **DENIES** Plaintiff’s IFP motion (Court File No. 1), and **DIRECTS** the Clerk of Court to **CLOSE** the case.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE